

**ASSEMBLY BILL**

**No. 1932**

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**Introduced by Assembly Member Jones**

February 19, 2014

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An act to amend Section 77 of the Code of Civil Procedure, relating to appellate court decisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1932, as introduced, Jones. Appellate court decisions.

Existing law establishes in every county and city and county an appellate division of the superior court, consisting of 3 or 4 judges, that has jurisdiction on appeal in all cases in which an appeal may be taken to the superior court or the appellate division. The concurrence of 2 judges of the appellate division is necessary to render the decision in every case.

This bill would require a judgment of the appellate division in an appeal to contain a brief statement of the reasons for the judgment.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 77 of the Code of Civil Procedure is
- 2 amended to read:
- 3 77. (a) In every county and city and county, there is an
- 4 appellate division of the superior court consisting of three judges
- 5 or, when the Chief Justice finds it necessary, four judges.
- 6 The Chief Justice shall assign judges to the appellate division
- 7 for specified terms pursuant to rules, not inconsistent with statute,

1 adopted by the Judicial Council to promote the independence and  
2 quality of each appellate division. Each judge assigned to the  
3 appellate division of a superior court shall be a judge of that court,  
4 a judge of the superior court of another county, or a judge retired  
5 from the superior court or a court of higher jurisdiction in this  
6 state.

7 The Chief Justice shall designate one of the judges of each  
8 appellate division as the presiding judge of the division.

9 (b) In each appellate division, no more than three judges shall  
10 participate in a hearing or decision. The presiding judge of the  
11 division shall designate the three judges who shall participate.

12 (c) In addition to their other duties, the judges designated as  
13 members of the appellate division of the superior court shall serve  
14 for the period specified in the order of designation. Whenever a  
15 judge is designated to serve in the appellate division of the superior  
16 court of a county other than the county in which that judge was  
17 elected or appointed as a superior court judge, or if the judge is  
18 retired, in a county other than the county in which the judge resides,  
19 the judge shall receive expenses for travel, board, and lodging. If  
20 the judge is out of the judge's county overnight or longer, by reason  
21 of the designation, that judge shall be paid a per diem allowance  
22 in lieu of expenses for board and lodging in the same amounts as  
23 are payable for those purposes to justices of the Supreme Court  
24 under the rules of the California Victim Compensation and  
25 Government Claims Board. In addition, a retired judge shall receive  
26 for the time so served, amounts equal to that which the judge would  
27 have received if the judge had been assigned to the superior court  
28 of the county.

29 (d) The concurrence of two judges of the appellate division of  
30 the superior court shall be necessary to render the decision in every  
31 case in, and to transact any other business except business that  
32 may be done at chambers by the presiding judge of, the division.  
33 *A judgment of the appellate division in an appeal shall contain a*  
34 *brief statement of the reasons for the judgment. A judgment stating*  
35 *only "affirmed" or "reversed" is insufficient.* The presiding judge  
36 shall convene the appellate division when necessary. The presiding  
37 judge shall also supervise its business and transact any business  
38 that may be done at chambers.

39 (e) The appellate division of the superior court has jurisdiction  
40 on appeal in all cases in which an appeal may be taken to the

1 superior court or the appellate division of the superior court as  
2 provided by law, except where the appeal is a retrial in the superior  
3 court.

4 (f) The powers of each appellate division shall be the same as  
5 are now or may hereafter be provided by law or rule of the Judicial  
6 Council relating to appeals to the appellate division of the superior  
7 courts.

8 (g) The Judicial Council shall promulgate rules, not inconsistent  
9 with law, to promote the independence of, and govern the practice  
10 and procedure and the disposition of the business of, the appellate  
11 division.

12 (h) Notwithstanding subdivisions (b) and (d), appeals from  
13 convictions of traffic infractions may be heard and decided by one  
14 judge of the appellate division of the superior court.